

REMARKS

This is a full and timely response to the Final Office Action mailed July 20, 2009. The Applicants have amended claims 1 and 21, as indicated above. No new matter has been added. Upon entry of the above amendments, claims 1, 3 – 16, 21 and 22 remain pending. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

The Final Office Action maintains the rejection of claims 1, 3 – 8, 10 – 16, 21 and 22 under 35 U.S.C. 103 as allegedly being unpatentable over U.S. Patent No. 6,308,887 to Korman *et al.* (“Korman”) in view of U.S. Patent No. 5,984,180 to Albrecht (“Albrecht”). The Applicants respectfully submit that the rejection is improper for at least the reasons provided in the Amendment & Response submitted on January 14, 2009.

Nonetheless, the Applicants have amended each of the independent claims (claims 1 and 21), as indicated above, to further clarify certain aspects of the claimed systems and methods and further emphasize the clear deficiencies of the cited references. Independent claims 1 and 21, as amended, recite the features or elements of receiving a financial service selection from a customer via a user interface of a terminal, creating the financial account, and providing the financial service selection to the customer via the terminal -- all during the customer session with the terminal. In this regard, a customer may access the terminal and select a financial service during a session with the terminal. Also during the session, if authorized, the financial account is created and the financial service is provided.

Independent claim 1, as amended, recites “receiv[ing] a financial service selection from a customer via the user interface during a session with the terminal, the financial service requiring the creation of a financial account ... and provid[ing], during the session and at least partially via

the terminal, the selected financial service including the creation of the financial account.” Independent claim 21, as amended, recites “receiv[ing], during a session with the terminal, a data source associated with a customer and being operable to … receive a financial service selection, during the session, the financial service requiring the creation of a financial account … perform, during the session, said selected financial service … and establish[ing], during the session, said financial account proximate to the validation of the financial service selection.”

The Final Office Action concedes that the primary reference, Korman, fails to teach the following features in independent claims 1 and 21:

- (1) the financial service requiring the creation of a financial account;
- (2) receiving an authorization from the server to provide the selected financial service and for creating the financial account, the authorization including the server validating the session data against at least one requirement for providing the selected financial service and applying underwriting criteria to the session data; and
- (3) providing the selected financial service including the creation of the financial account.

The Final Office Action alleges that Albrecht teaches each of these features, and argues that it would have been obvious to one having ordinary skill in the art to combine Korman and Albrecht. Alternatively, a new grounds of rejection, the Final Office Action combines Korman and Albrecht with U.S. Patent 6,105,007 to Norris (“Norris”), based on the proposition that Norris teaches the feature of qualifying the customer for the financial account by applying the session data to a risk model comprising underwriting criteria.

The Applicants respectfully submit that the Final Office Action mischaracterizes the teachings of Albrecht. Albrecht does not teach the feature of creating the financial account in association with the terminal from which the financial service is being requested. While Albrecht does teach creating a financial account, the financial account is not created in association with such a terminal, as recited in independent claims 1 and 21. To further emphasize the deficiencies of Albrecht, the Applicants amended independent claims 1 and 21, as discussed above, to clarify that the financial service selection is received, the financial account is created, and the financial service are provided during the same customer session with the terminal. Albrecht does not disclose, teach, or suggest these features.

Albrecht merely teaches that the consumer may provide authorization data to a credit storage and transaction system. The authorization data is not provided during a session with the terminal nor is it provided by a terminal, during the customer session with the terminal, to the credit storage and transaction system. The consumer enters the authorization data in a paper or electronic form, which is presented, delivered, or transmitted to the sponsoring institution or its authorized representative where it is then entered into the credit storage and transaction system. *See Col. 4, ll. 26 - 37.* Contrary to the terminal and system of claims 1 and 21, Albrecht clearly does not perform these features via the terminal during the same customer session. Norris does not correct this deficiency.

Therefore, even assuming for the sake of argument that the Office Action establishes a *prima facie* case for combining Korman and Albrecht (which the Applicants explicitly submit has not been established), a proper combination still fails to include all of the features recited in independent claims 1 and 21. A proper combination of Korman and Albrecht merely suggests creating a gift card separately from a terminal (as disclosed in Albrecht), and then enabling the

Albrecht gift card to be used for performing transactions via the Korman terminal. For at least this reason, the rejection of independent claims 1 and 21 should be withdrawn and the claims allowed. The rejection of dependent claims 3 – 16 (which depend from independent claim 1) and dependent claim 22 (which depends from independent claim 21) should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly, the Applicants respectfully request that the rejection of claims 1, 3 – 16, 21 and 22 be withdrawn and the claims allowed.

CONCLUSION

For at least the reasons set forth above, the Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1, 3 – 16, 21 and 22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are requested. If in the opinion of the Examiner a telephonic conference would expedite examination of this application, the Examiner is invited to call the undersigned attorney at 813-382-9345.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: September 21, 2009

/Adam E. Crall/

Signature